



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: DIMBATH

In re Application of:)
WOLFGANG DIMBATH)
Appl. No.: 10/697,759)
Filed: October 30, 2003)
For: CARRYING BAG FOR A BRASS INSTRUMENT)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on January 8, 2004.
(Date)

HENRY M. FEIEREISEN
Name of Registered Representative

Signature

1-8-2004
Date of Signature

SIR:

In accordance with 37 C.F.R. 1.56, applicant wishes to call the attention of the Examiner to the following references A) to E). Applicant does not admit that any of the cited documents constitutes prior art against the pending application.

Country:	Patent or Appl. No:	Patentee or Applicant:	Issue or Filing Date:
A) USA	4,427,113	Wanner	01-24-1984
B) USA	4,738,180	McKnight	04-19-1088
C) Germany	298 15 101 U1	Dimbath	07-06-2000
D) Germany	G 94 03 042.1	Schöler & Micke	06-01-1994
E) Germany	200 21 141 U1	GEWA Musikinst.	04-19-2001

Copies of the German references are submitted herewith along with form PTO-1449. The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

This Information Disclosure Statement is filed within three months of the filing date of a national application other than a continued prosecution application under 1.53(d), so that no fee under 37 C.F.R. §1.97 is due.

This Information Disclosure Statement is filed within three months of the date of entry of the national stage as set forth in 1.491 in an international application, so that no fee under 37 C.F.R. §1.97 is due.

This Information Disclosure Statement is filed before the mailing of a first Office Action on the merits, so that no fee under 37 C.F.R. §1.97 is due.

This Information Disclosure Statement is filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114, so that no fee under 37 C.F.R. §1.97 is due.

- [] This Information Disclosure Statement is filed after the issuance of a first office but before issuance of a final action under §1.113, or a notice of allowance under §1.311.
- [] This Information Disclosure Statement is submitted after the mailing of a final action or a notice of allowance, but before payment of the issue fee.
- [] The undersigned submits the following statement requesting consideration of this statement:

The undersigned hereby states:

- [] That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- [] That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.
- [] The fee of \$180.00 set forth in 1.17(p).
- [] The Commissioner is hereby authorized to charge the fee as set forth in 1.17(p), and any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

[X] The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

In order to satisfy the requirement under 37 C.F.R. §1.98(a)(3) for a concise explanation of the relevance of each item of information, applicant herewith notes with respect to any information that is not in English language as follows:

Reference C) describes a reusable cover for a wind instrument including an approximately trapezoidal base surface or a base surface widening approximately in a trumpet shape. The length of the base surface corresponds approximately to the length of the wind instrument. The cover also has a semicircular front surface with a straight bottom edge which at the same time forms a front edge of the trapezoidal or trumpet-shaped base surface.

Reference D describes a carrying bag made of flexible material and including a detachable inset of dimensionally stable material, with the walls of the bag being reinforced by the inset.

Reference E) describes a bag for a music instrument with a padding provided in at least one bad wall. Provided adjacent to the padding is a flexible layer of impact-resistant material.

The above-identified application discloses and claims an invention patentable over this prior art.

Entry of the references above set forth into the file of the above application

Docket No.: DIMBATH
Serial No.: 10/697,759

is believed to be in order and is respectfully requested.

Respectfully submitted

By:


Henry M. Feiereisen
Agent for Applicant
Reg. No. 31,084

Date: January 8, 2004
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212) 244-5500
HMF:be

